

LEWIS
ANDROCA
LLP

L A W Y E R S

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3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- All Debtors
- × USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
OMNIBUS OBJECTION OF THE
USACM LIQUIDATING TRUST TO
COMMISSION CLAIMS ASSERTING
PRIORITY STATUS**

Hearing Date: April 26, 2007
Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM THAT
YOU FILED. THIS IS NOT AN OBJECTION TO THE VALIDITY OF AMOUNT
OF YOUR CLAIM SEEKING COMMISSIONS. RATHER, IT ARGUES THAT
YOUR CLAIM IS NOT ENTITLED TO PRIORITY STATUS AND SHOULD BE
RECLASSIFIED AS A GENERAL UNSECURED CLAIM. THE DEADLINE TO
RESPOND TO THE OBJECTION IS APRIL 19, 2007. PLEASE DO NOT
CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE**

1 **MERITS OF YOUR CLAIM.** QUESTIONS REGARDING THE AMOUNT OF A
2 CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO BMC
3 GROUP AT 888-909-0100, OR WWW.BMCGROUP.COM/USACMC, or to the
4 undersigned counsel.

5 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and
6 through its counsel, has filed an Omnibus Objection to Commission Claims Asserting
7 Priority Status (the "Objection"). The USACM Liquidating Trust has requested that this
8 Court enter an order, pursuant to section 502 of title 11 of the United States Code (the
9 "Bankruptcy Code") and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the
10 "Bankruptcy Rules"), for an order denying priority status to approximately 11 alleged
11 Priority Claims filed by former loan brokers (or their assignees) asserting Claims against
12 USA Commercial Mortgage Company ("USACM") that aggregate over \$207,000.

13 Specifically, the USACM Liquidating Trust believes that brokers were involved in
14 many instances in the solicitation of investments into non-performing loans and/or the
15 assignment of certain Direct lenders into or out of investments in non-performing loans,
16 possibly in violation of Nevada law, and that brokers may not be entitled to any
17 commissions purportedly earned by such activities. In this Objection, however, the
18 USACM Trust only contends that the commissions Claims are not entitled to priority
19 status and that they should be reclassified as general unsecured Claims (albeit subject to
20 potential further objection). As explained in the motion, the USACM Liquidating Trust
21 may have other objections to the claims that will be filed later.

22 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held
23 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
24 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
25 **April 26, 2007, at the hour of 9:30 a.m.**
26

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1 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 26,
2 2007, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND
3 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE
4 HEARD ON THAT DATE.

5 NOTICE IS FURTHER GIVEN that any response to the Objection must be filed
6 by **April 19, 2007** pursuant to Local Rule 3007(b), which states:

7 If an objection to a claim is opposed, a written response must be filed and
8 served on the objecting party at least 5 business days before the scheduled
9 hearing. A response is deemed sufficient if it states that written
10 documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

11 If you object to the relief requested, you *must* file a **WRITTEN** response to this
12 pleading with the Court. You *must* also serve your written response on the person who
13 sent you this notice.

14 If you do not file a written response with the Court, or if you do not serve your
15 written response on the person who sent you this notice, then:

- 16 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 17 • The Court may *rule against you* without formally calling the matter at the
18 hearing.

19 Dated: March 23, 2007.

LEWIS AND ROCA LLP

20 By: /s/ RC (#6593)

21 Susan M. Freeman, AZ 4199 (*pro hac vice*)

22 Rob Charles, NV 6593

23 3993 Howard Hughes Parkway, Suite 600

24 Las Vegas, Nevada 89169-5996

25 Facsimile (702) 949-8321

26 Telephone (702) 949-8320

Counsel for USACM Liquidating Trust